ORIGINAL

1905

FILE No. 156 OF 1904-05.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT

COURTS.

JANUARY

'A' Collection Serial Nos. 1—2.

The Central Nazarath System.

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1904-05.

GENERAL AND REVENUE SECRETARIAT.

(COURTS)

NOTES.

FILE No. 156 of 1904-05.

The Central Nazarath System.

From the Registrar of the Chief Court No. 3147—191, dated 21st November 1904.

Forwards for the sanction of Government Drafts of Rules and forms relating to the Central Nazarath System with a view to improve the system.

1. The inconvenience and delay in the present system, the Chief Court states, are due to the fact (1) that moneys are sent to the Nazir every time processes are sent for service. Being thus placed with funds, there is no sufficient incentive for the Nazir to collect the arrears due from process servers or to refund the same to the Courts expeditiously.

2. They are also due (2) to the omission of parties and pleaders to apply for processes till a short time before the hearing of cases; (3) to the neglect on the part of the Court officials to prepare processes correctly and send the same to the Nazarath with sufficient margin of time for their service and return; (4) to the Central and Deputy Nazirs delaying the issue of processes till a sufficient number accumulated for issue to different circles within their range; and (5) to the hurry of process servers to return the processes within the inadequate time allowed to them.

3. To remedy all these defects, the Chief Court at present proposes (1) to increase the permanent advance with the Nazirs to enable them to pay the necessary batta for the execution of the processes out of the advance, the account with each of the Courts being adjusted monthly. This system, it is stated, will expedite adjustment of accounts, provide mutual check and prevent accumulation of batta with Nazirs and process servers, besides minimising the work of entry in the registers, which, at present, takes up much of the Nazirs' time; (2) to place the Central Nazirs and their establishment under the control of the District Judge; and (3) to issue special instructions for the guidance of all concerned after the present rules are sanctioned.

4. In conclusion it is stated, that with these rules and instructions and with timely orders on cases of irregularities brought to the notice of the Court, the Chief Court hopes to materially raise the efficiency of the department.

T. K. S.
13-12-04.

S. N.
13-12-04.

5. The revised rules seem suitable and may be approved.

K. S. CHENDRASEKHARA AIYAR.
15-12-04.

6. At certain head-quarter stations, the Nazarath establishment is proposed to be placed in future under the control of the District Judge instead of as heretofore under that of the Principal Munsiff; at other stations the establishment will be under the Sub-Judge if there is one in preference to being under the Munsiff.

7. On certain matters of details some alterations deemed necessary and suitable are recommended.

8. There has, from the beginning, been a general complaint both from the Bench and the Bar and the public that the Central Nazarath System is unsuited to the condition of the Courts in our State and is calculated more to retard than to expedite work, and that in point of cost

too it is more expensive than the system it superseded a few years ago. The Chief Court think otherwise and consider that for the existing unsatisfactory state of things what is really responsible is not so much the system as its details. They seem to expect not without some reason that with the revision proposed, the system will work much better than at present and remove all ground for dissatisfaction. By all means let us give their revised rules a trial. May be sanctioned accordingly.

C. S.
19-12-04.

9. To the Second Councillor for the favor of his opinion.

P. N. K.
22-12-04.

10. The revised rules in which the amendments of the Madras High Court Process Rules are embodied may be approved as recommended by the Chief Court.

C. M.
20-12-04

11. The rules submitted by the Chief Court and agreed to by the Councillors may be sanctioned.

P. N. K.
5-1-05.

12. Sanctioned.

K. R. W.,
H. H. the Maharaja of Mysore.
10-1-05.

13. Order accordingly

P. N. K.
11-1-05.

14. Draft accordingly.

B. K. VENKATA VARADA IYENGAR.
12-1-05.

Draft submitted to Secretary.

T. K. S.
18-1-05.

M. SHAMA RAO.
19-1-05.

To the Registrar of the Chief Court of Mysore, No. J. 2038, dated the 25th January 1905.

Sanctions the above mentioned rules with effect from the 1st February 1905.

Proceedings of the Government of His Highness the Maharaja of Mysore, Courts, January 1905.

The Central Nazarath System.

FILE No. 156 OF 1904-05.

Letter No. 3147—191, dated Bangalore, the 26th November 1904, from V. A. Rajaratna Mudaliar, Esq., Registrar of the Chief Court, to B. K. Venkata Varada Iyengar, Esq., Secretary to Government, General and Revenue Department.

Adverting to the Proceedings of Government No. 237 (117 of 1903-04), dated 29th July 1904, *in re* the Central Nazarath System, I am directed to forward for the sanction of Government the accompanying revised rules and forms. **Serial No. 1.**

2. Much of the inconvenience and delay in the present system might be attributed to the fact that monies are sent to the Nazir every time that processes are sent for service. The amount of unexpended batta not being returned by process servers along with the processes (often sent by post) the Nazir when returning the processes to the Courts which issued them is not in a position to return the batta money. Consequently fresh batta has to be levied from parties applying for fresh processes though there might be unspent batta to their credit, and sent with the processes. The Nazir being placed in funds for the immediate issue of processes has not sufficient incentive to collect the arrears due from process servers or to refund the same to the Courts expeditiously.

3. In order to remedy this defect, it is proposed to discontinue the system of remitting money with each batch of processes and increase the permanent advance so as to enable the Nazir executing a process to pay the necessary batta out of the advance in his hands, the account with each of the Courts being adjusted monthly.

4. The introduction of the permanent advance system as above, will expedite adjustment of accounts, provide mutual check and prevent accumulation of unexpended batta with Nazirs and process servers. It will also reduce to a great extent the work falling on the Court Nazir in making many unnecessary entries in the cash and the connected registers, of daily payments to, and receipts from, the Nazir, which takes up much of his time.

5. Other causes for the delay and unsatisfactory nature of the service of the processes have been ascertained to be due to the omission of parties and pleaders to apply for processes till a short time before the hearing of their cases, to the neglect on the part of the Court officials to prepare the processes correctly and send the same to the Nazarath allowing sufficient margin of time for their service and return, to the Central and Deputy Nazir delaying the issue of processes till a sufficient number accumulated for issue to different circles within their range and to the general scramble and hurry on the part of the process servers to return the processes anyhow within the inadequate time allowed to them. Special instructions have been drawn up for the guidance of all concerned to obviate these evils and will be issued as soon as the Nazarath Rules now prepared receive sanction of Government. It is confidently hoped that these instructions and the importance attached to the efficient working of the Nazarath System by this Court in the notes of inspection by the Judges and orders issued by this Court of late in cases of imperfections and irregularities which came under its notice will materially raise the efficiency of the department and give no room for the complaints which are now levelled against it.

6. It is also proposed to place the Central Nazirs and their establishments under the immediate control of the District Judge instead of the Principal Munsiff of the station. The reason assigned in this office letter No. 2390-61, dated 24th September 1897, was that if attached to a higher Court, the process of the inferior Courts may not receive the prompt attention that is necessary. But experience seems to show that superior and even co-ordinate Courts do not care to complain to a Munsiff in regard to irregularities. Hence the desirability of attaching the Central Nazarath to the District Court as in the Madras Presidency.

7. In revising the rules the amendments made by the Madras High Court in their Process Rules have been adopted.

To the Registrar of the Chief Court, No. J. 2038, dated Bangalore, 25th January 1905.

The rules received with the Chief Court Registrar's letter read above are sanctioned with effect from the 1st February 1905. **Serial No. 2.**